

PATRICK L. FORTE, State Bar #80050
CORRINE BIELEJESKI, State Bar #244599
LAW OFFICES OF PATRICK L. FORTE
One Kaiser Plaza, #480
Oakland, CA 94612
Telephone: (510) 465-3328
Facsimile: (510) 763-8354

Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 08-46573 EDJ

**FRANK MICHAEL DRASCHNER and
KAREN FERN DRASCHNER,**

Chapter 13

Debtors.

**MOTION TO MODIFY CHAPTER 13 PLAN;
NOTICE TO CREDITORS OF
DEADLINE TO REQUEST A HEARING**

The above-named debtors apply to the court for an order to modify their Chapter 13 Plan as follows:

Commencing October 2010, debtors will pay \$170.00 per month to the Trustee. Any arrearages shall be forgiven. Unsecured, non-priority creditors shall be paid on a pro-tanto basis.

Debtors shall surrender the real property located at 1438 Columbine Way, Livermore, CA 94551 to JPMorgan Chase & Alameda County Tax Collector.

The modification is sought on the following grounds:
Ms. Draschner's income has decreased significantly, as her only source of income is disability benefits.

NOTICE IS HEREBY GIVEN:

(i) That Local Rule 9014-1 of the United States Bankruptcy Court

1 for the Northern District of California prescribes the procedures to be
2 followed and that any objection to the requested relief, or a request for
3 hearing on the matter must be filed and served upon the undersigned
4 within twenty one (21) days of mailing of this notice;

5 (ii) That a request for hearing or objection must be accompanied
6 by any declarations or memoranda of law the party objecting or requesting
7 wishes to present in support of its position;

8 (iii) That if there is not a timely objection to the requested
9 relief or a request for hearing, the Court may enter an order granting
10 the relief by default; and

11 (iv) That the undersigned will give at least seven (7) days written
12 notice of hearing to the objecting or requesting party, and to any
13 trustee or committee appointed in the case, in the event an objection or
14 request for hearing is timely made.

15 Dated: October 6, 2010

16 /s/ Corrine Bielejeski
17 CORRINE BIELEJESKI
18 Attorney for Debtors
19
20
21
22
23
24
25
26